

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**DAVID PAUL HUGGINS,**

**Plaintiff,**

**v.**

**BRIAN OWENS, *et al.*,**

**Defendants.**

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**CIVIL ACTION NO. 5:09-CV-377 MTT**

**ORDER**

This matter is before the Court on the Plaintiff's Motion to Resubmit his § 1983 Complaint After Exhausting Administrative Remedies (Doc. 67) (the "Motion").

This Court, in a previous Order (Doc. 55), adopted the recommendation of the Magistrate Judge to dismiss the Plaintiff's case for his failure to exhaust his administrative remedies. The Plaintiff now claims that he has exhausted his administrative remedies and asks that his Complaint be resubmitted.

If the Plaintiff wishes to resubmit his Complaint, he must do so in a new lawsuit. As the Court has mentioned before, the Plaintiff's case was dismissed without prejudice so he may refile. But the Plaintiff cannot resubmit his Complaint in the very case that has been dismissed. Therefore, the Motion (Doc. 67) is **DENIED**.

**SO ORDERED**, this the 13<sup>th</sup> day of December, 2010.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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